

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Richard Logan,

Petitioner

v.

USDC,

Respondent

Case No. 2:21-cv-00612-JAD-NJK

Order Dismissing Case

Richard Logan, a Nevada prisoner, has submitted to the court a document with which he appears to be asking the court for relief in relation to pending parole proceedings.¹ Mr. Logan's avenue for relief in this court, if any, would be a petition for writ of habeas corpus under 28 U.S.C. § 2254. A petition for writ of habeas corpus filed by a person who is not represented by an attorney must be on the form provided by this court. LSR 3-1, Local Rules of Practice, U.S. District Court of Nevada.

In addition, this matter has not been properly commenced because Mr. Logan has neither paid the filing fee for a habeas proceeding (\$5.00) nor filed an application to proceed *in forma pauperis* as required by Local Rule LSR 1-1. Also, under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, a petitioner must attach both an inmate account statement for the past six months and a properly executed financial certificate to his application. Thus, the present action is dismissed without prejudice to Mr. Logan's ability to file a **new** petition on the court's approved form, accompanied by either the \$5.00 filing fee or a completed application to proceed *in forma pauperis* with all required attachments.

¹ ECF No. 1.

1 IT THEREFORE IS ORDERED that **this action is DISMISSED** without prejudice to the
2 filing of a **new** petition in a **new** action with a properly completed pauper application.

3 IT FURTHER IS ORDERED that a certificate of appealability is DENIED, as jurists of
4 reason would not find the court's dismissal of this improperly commenced action without
5 prejudice to be debatable or incorrect.

6 IT FURTHER IS ORDERED that **the Clerk is directed to SEND** petitioner two copies
7 each of an application form to proceed *in forma pauperis* for incarcerated persons and a
8 noncapital Section 2254 habeas petition form, one copy of the instructions for each form, and a
9 copy of the papers that he submitted in this action; **ENTER JUDGMENT** accordingly; and
10 **CLOSE THIS CASE.**

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13 U.S. District Judge Jennifer A. Dorsey
14 Dated: April 20, 2021
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